(5) Rs 10/-

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (C) No. 236 Of 2007

PETITIONER NON-APPLICANT NO.1 : Abhishek Singh @ Abhishek Gautam S/o Shri S.S. Rajput , aged about 33 years, by caste Kshatriya, resident of Vidhya Up Nagar , Bilaspur, Tahsil and District Bilaspur (CG).

1091/02 ... Received by Shri ... 07-02-2002

VERSUS

RESPONDENTS APPLICANTS 1-5 :

1. Smt. Vimla aged about 33 years Wd/o Late Shri Lakhan Lal.
2. Pradeep Kumar aged about 16 years S/o Late Shri Lakhan Lal.
3. Sunita , aged about 14 years, D/o Late Shri Lakhan Lal.
4. Geeta ,aged about 12 years,D/o Late Shri Lakhan Lal.
5. Amit ,aged about 10 years, S/o Late Shri Lakhan Lal.

Sl.No. 2 to 5 minors, through natural guardian mother Smt. Vimla Wd/o Lakhan Lal)

(All by caste Yadav, resident of Khokhsa, Tehsil and Police Station Janjgir , District Janjgir Champa (CG).

(APPLICANTS 1 TO 5 BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL)

6. Keshav Singh , aged about 23 years, S/o Gajraj Singh, by caste Gond, resident of Village Bakeli, Tahsil and District Umariya , Police Station Pali (MP).

(NON-APPLICANT NO.1 BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL)

7. Oriental Insurance Company Limited, through its Branch Manager, Korba, T.P.Nagar, District Korba (CG).

(NON-APPLICANT NO.3 BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL)

WRIT PETITION UNDER ARTICLE 227 OF THE

CONSTITUTION OF INDIA

(38)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W. P. (c) No. 236 of 2007

Petitioner : Abhishek Singh @ Abhishek Gautam

- Versus-

Respondents : Smt. Vimla and others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Vimlesh Bajpai, Advocate for the Petitioner.

ORDER

(Passed on this 15th day of February, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner has filed an application for impleading the ICICI Lombard General Insurance Co. Limited, Bombay as the vehicle involved in the accident was insured with the said company.

2. On perusal of the papers, it appears that the petitioner submitted before the Court to give sometime, so that the typographical error crept in the insurance paper would be corrected.

3. The Additional Motor Accident Claims Tribunal, Janjgir without granting the time, passed the impugned order, rejecting the application filed by the petitioner under Order 1 Rule 10 read with Section 151 of C.P.C.

4. The Court ought not to have decided in such hurry when the request for correction of the document was made. If on correction, it is found that the vehicle was insured with the

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said company, it would be difficult for the owner to recover the amount from the insurance company.

5. In view of the dismissal of the application, the order dated 11.12.2006 (Anneuxre P/7), passed by the Additional Motor Accident Claims Tribunal, Janjgir in MACT Case No. 75/06 is quashed. The application is remitted back to the Additional Motor Accident Claims Tribunal, Janjgir for consideration on merit after giving sufficient opportunity to the petitioner to make necessary typographical correction in the document.

6. The writ petition is accordingly allowed.

Sd/-
Satish K. Agnihotri
Judge

Bablu